

IC 3-11-14

Chapter 14. Voting by Electronic Voting System

IC 3-11-14-1

Applicability of chapter

Sec. 1. This chapter applies to each precinct where voting is by electronic voting system.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-2

County election board use of electronic voting system; where permitted

Sec. 2. A county election board may use an approved electronic voting system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-3

Ballot labels

Sec. 3. (a) The county election board shall furnish ballot labels prepared as required by section 3.5 of this chapter.

(b) The county election board shall have the ballot labels printed:

- (1) in black ink on clear white material;
- (2) in the size that will fit on an electronic system; and
- (3) in plain, clear type as space will reasonably permit.

As added by P.L.3-1987, SEC.327. Amended by P.L.58-2005, SEC.21.

IC 3-11-14-3.5

Ballot information; arrangement

Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify

the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

- (A) President and Vice President of the United States; or
- (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly

authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

As added by P.L.58-2005, SEC.22.

IC 3-11-14-4

Distinctive party ballot labels

Sec. 4. Political parties may be distinguished in a primary election by the use of different color ballot labels. The party device for a political party that has been adopted in accordance with IC 3-8 and the party name or other designation shall be prefixed to the list of candidates of the party.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-5

Sample ballots; provision; specifications

Sec. 5. The election division shall provide each county election board with the number of sample ballots the county election board considers adequate for each precinct. The sample ballots must be:

(1) exact copies of the official ballots furnished by the election division; and

(2) printed on different color paper from the official ballots.

As added by P.L.3-1987, SEC.327. Amended by P.L.2-1996, SEC.196; P.L.3-1997, SEC.326.

IC 3-11-14-6

Separate packaging and delivery of sample ballots

Sec. 6. The election division shall enclose the sample ballots in a separate wrapper or envelope from that of other papers delivered by the election division to the circuit court clerk and deliver them to the clerk or the messenger authorized by the clerk to receive the ballots.

As added by P.L.3-1987, SEC.327. Amended by P.L.2-1996, SEC.197; P.L.3-1997, SEC.327.

IC 3-11-14-7

Sample ballots; number and arrangement

Sec. 7. Each county election board shall provide the number of sample ballots the county election board considers adequate for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing the entire front of an electronic voting system as it will appear on the official ballots

printed under the jurisdiction of the election division and the county election board. However, if presidential electors are to be voted for at an election, then the ballot label of each political party or independent ticket must be in the form prescribed by IC 3-10-4-1.

As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993, SEC.171; P.L.2-1996, SEC.198; P.L.3-1997, SEC.328.

IC 3-11-14-8

Electronic voting system display before election; posting sample ballots

Sec. 8. (a) Each county election board may make available at convenient places throughout the county electronic voting systems for the instruction of the voters. The board shall locate the systems at places where people usually assemble, such as shopping centers. The board shall have the systems attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the systems under this section.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots:

(1) received from the election division; and

(2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

As added by P.L.3-1987, SEC.327. Amended by P.L.7-1991, SEC.7; P.L.12-1992, SEC.11; P.L.3-1993, SEC.172; P.L.2-1996, SEC.199; P.L.3-1997, SEC.329.

IC 3-11-14-9

Information contained in instructional models

Sec. 9. Each electronic voting system used for instructional purposes must contain the names of all candidates and a description of all public questions as they will appear on the official sample ballot on election day. However, the systems may not be set to record a tally or total.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-10

Ballot labels; installation

Sec. 10. Each county election board shall, before election day, have the proper ballot labels prepared as required by section 3.5 of this chapter and put on each electronic voting system.

As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993, SEC.173; P.L.58-2005, SEC.23.

IC 3-11-14-11

Rotation of candidate names on ballot system

Sec. 11. A county election board may require that the names of candidates for nomination at a primary election be rotated alphabetically on electronic voting systems. If the board does so, the names shall be rotated by precincts in regular serial sequence, so that each name of a list or group of candidates for an office appears upon the systems an equal number of times, as nearly as practicable, at the top, at the bottom, and in each intermediate place under the title of the office sought.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-12

School district elections; arrangement of candidate names

Sec. 12. In school district elections, the county election board shall arrange the names of candidates in alphabetical order on an electronic voting system as required by section 3.5 of this chapter.

As added by P.L.3-1987, SEC.327. Amended by P.L.58-2005, SEC.24.

IC 3-11-14-13

Preparation and adjustment of system before delivery

Sec. 13. (a) Before an electronic voting system is delivered to a precinct, the county election board shall have the system put in order, set and adjusted, and ready for use in voting. As part of the system's preparation, the county election board may conduct any of the comparisons and determinations required under section 17 of the chapter. However, notwithstanding any action taken by the county election board, each precinct election board must also perform the comparisons and determinations required under section 17 of this chapter before the opening of the polls. The board may employ one (1) or more competent persons to prepare systems in accordance with this section.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where voting systems and other election material are being handled to safeguard this material.

As added by P.L.3-1987, SEC.327. Amended by P.L.3-1997, SEC.330; P.L.221-2005, SEC.89.

IC 3-11-14-14

Delivery of system to polls

Sec. 14. Each county election board shall have each electronic voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the system if requested to do so by the county election board.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-15

Examination of system and sample ballots upon delivery

Sec. 15. (a) After the delivery of an electronic voting system to a

precinct, the precinct election board may meet at the polls on the same day, open the package containing the sample ballots, and, if necessary, examine the ballot label, to determine whether the system is ready for use in accordance with section 11 of this chapter. If a system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where voting systems and other election material are being handled to safeguard this material. *As added by P.L.3-1987, SEC.327. Amended by P.L.3-1997, SEC.331.*

IC 3-11-14-16

Preparation at polls before opening

Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the boundaries of the chute designated;
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

As added by P.L.3-1987, SEC.327. Amended by P.L.221-2005, SEC.90.

IC 3-11-14-17

Preparation at polls before opening; system check; certification

Sec. 17. (a) Before the opening of the polls, each precinct election board shall:

- (1) compare the ballot label on each electronic voting system with the sample ballot to see that it is correct;
- (2) see that the system records zero (0) votes for each candidate and on each public question; and
- (3) see that the system is otherwise in perfect order.

(b) After the system is in perfect order for voting, the precinct election board may not permit the counters to be operated except by voters in voting. The board then shall certify that the ballot labels and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-18

Posting of sample ballots

Sec. 18. The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-19**Failure of equipment; supply of paper ballots and voting booths**

Sec. 19. Each county election board shall be at its office from 5 a.m. until 6 p.m. on election day. Upon notice that an electronic voting system is out of order or fails to work, the board shall be ready between those hours to deliver to any precinct in the county:

- (1) necessary paper ballots;
- (2) election booths with an adequate number of stalls;
- (3) ballot boxes; and
- (4) all necessary supplies and equipment as required by law.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-20**Location of voting system; secrecy**

Sec. 20. The exterior of an electronic voting system and each area of the polls must be in plain view of the precinct election board. Each system shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-21**Regulation of voting system area**

Sec. 21. After the opening of the polls, the inspector, judges, and poll clerks may not allow any person to pass within the railing to the part of the room where an electronic voting system is situated, except for the purpose of voting. Except as provided in IC 3-11-9, they may not permit more than one (1) voter at a time to be in the part of the room where an electronic voting system is situated.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-22**Explanation of manner of voting to voter**

Sec. 22. After a voter has signed the poll list, both judges, on request, shall give an explanation of the manner of voting.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-23**Voting procedure; standards to define a vote; rights of a voter in casting ballot**

Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

- (1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;
- (2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and
- (3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) After December 31, 2005, as provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:

- (1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

As added by P.L.3-1987, SEC.327. Amended by P.L.4-1991, SEC.109; P.L.3-1993, SEC.174; P.L.209-2003, SEC.162; P.L.58-2005, SEC.25.

IC 3-11-14-24

Voting booth arrangement; additional instructions

Sec. 24. (a) Only one (1) voter may occupy a booth at one time. Booths shall be constructed and arranged so that all members of the precinct election board can see whether more than one (1) voter enters a booth at any one time.

(b) If a voter needs additional instruction after entering the voting booth, the voter may request assistance from the two (2) judges. The two (2) judges shall then approach but not enter the booth and call out additional instructions to the voter.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-25

Post-vote casting procedure

Sec. 25. After voting, the voter shall immediately leave the booth

and announce to the poll clerks that the voter has voted. The poll clerks shall write a voting mark after the voter's name, and the voter shall leave the room.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-26

Time limits in voting booth; primary election

Sec. 26. At a primary election, a voter may not remain in the voting booth longer than three (3) minutes.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-27

Time limits in voting booth; general election

Sec. 27. At a general, municipal, or special election, a voter may not remain in the voting booth longer than two (2) minutes.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-28

Voter refusal to leave voting booth

Sec. 28. If a voter refuses to leave a voting booth after the lapse of time prescribed by section 26 or 27 of this chapter, the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-29

Disclosure of vote by voter before its registration; effect

Sec. 29. If a voter shows or discloses to another person the candidates voted for or how the voter voted on a public question before the vote is registered, the vote may not be registered on the electronic voting system. A record of the occurrence shall be made on the poll list, and the voter may not vote again at the election.

As added by P.L.3-1987, SEC.327. Amended by P.L.10-1988, SEC.122.

IC 3-11-14-30

Securing system at poll closing

Sec. 30. Subject to IC 3-12-2-5, as soon as the polls are closed, the inspector, in the presence of the judges and poll clerks, immediately shall secure each electronic voting system against voting and obtain at least one (1) paper printout of the total votes cast for each candidate and on each public question in that precinct.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-31

Printouts of vote; computer memory pack removal

Sec. 31. As soon as the paper printouts of the vote count are obtained, the inspector shall close the system and remove the computer memory pack from the system. The inspector and the judge of the opposite political party shall then transport the computer

memory packs and each electronic voting system to the county election board.

As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993, SEC.175.

IC 3-11-14-32

Certificate of vote; return of papers to circuit court clerk

Sec. 32. The certificates of the number of votes cast for each person shall be made and signed as required by IC 3-12, and the precinct election officers shall make and sign all statements of the number of votes required by law in duplicate, triplicate, or otherwise. The certificates and other papers shall be returned to the circuit court clerk in the same manner and with the same penalties that are prescribed in IC 3-12 for election returns from precincts in which electronic voting systems are not used.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-33

Municipal election use of system

Sec. 33. If a county has procured electronic voting systems for use, the systems may be used at a municipal election. If there are not sufficient systems on hand for each precinct of the municipality, the county election board shall determine in what precincts systems will be used at the election.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-34

Municipal elections; supplies furnished; expenses

Sec. 34. (a) If electronic voting systems are used in a municipal election, the county election board shall furnish to the municipality:

- (1) the requisite number of systems; and
- (2) all the furniture and appliances that go with the systems.

(b) However, the municipality shall pay the expenses of moving the systems and furniture to and from the polls and also for any damage or loss to the systems or furniture.

As added by P.L.3-1987, SEC.327.